

Practitioner's Docket N . 47756-CIP1-DIV (70184)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: R. Formato et al.

Application No.: 09/750,402

Filed: December 28, 2000

For: COMPOSITE SOLID POLYMER ELECTROLYTE MEMBRANES

Group No.: 1745

Examiner: Raymond Alejandro

OFFICIAL

Mail Stop: No Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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OCT 27 2003

## AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Request for Reconsideration for this application.

## STATUS

2. Applicant is
- ☐ a small entity. A statement:
- ☐ is attached.
- ☐ was already filed.
- ☒ other than a small entity.

## EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment"

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

## FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office (703) 872-9310.

Date: October 27, 2003

Signature

Michelle P. ChicoMichelle P. Chico

(type or print name of person certifying)

(Amendment Transmittal--page 1 of 4)

*after expiration of the shortened statutory period.*

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

*(complete (a) or (b), as applicable)*

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 400.00	\$ 200.00
<input type="checkbox"/>	three months	\$ 920.00	\$ 460.00
<input type="checkbox"/>	four months	\$ 1,440.00	\$ 720.00

Fee: \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal—page 2 of 4)

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below

(Col.1)	(Col.2)	SMALL ENTITY			OR	OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee		Rate	Addit. Fee
			<b>\$9.00</b>	<b>\$0.00</b>		<b>\$18.00</b>	
Independent Claims			<b>\$42.00</b>	<b>\$0.00</b>		<b>\$84.00</b>	
First Presentation of Multiple Dependent Claim+			<b>\$140.00</b>	<b>\$0.00</b>		<b>\$280.00</b>	
						<b>Total Addit. Fee</b>	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** *"After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).*

*(complete (c) or (d), as applicable)*

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ \_\_\_\_\_.

### FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ 0.00  
☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_  
 A duplicate of this transmittal is attached.

(Amendment Transmittal--page 3 of 4)

**FEE DEFICIENCY**

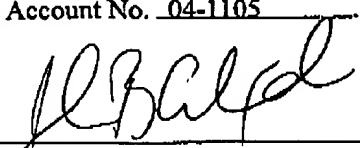
**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

**AND/OR**

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.

Date: October 27, 2003

  
SIGNATURE OF PRACTITIONER

John B. Alexander, Ph.D. (Reg. No. 48,399)  
(type or print name of practitioner)

EDWARDS & ANGELL, LLP  
Dike, Bronstein, Roberts & Cushman  
Intellectual Property Group  
P.O. Box 9169  
Boston, MA 02209  
Tel. No. (617) 439-4444

Customer No. 21874

BOS2\_352880.1

(Amendment Transmittal--page 4 of 4)

**Edwards & Angell LLP**

101 Federal Street Boston, MA 02110 617.439.4174 fax 617.439.4170  
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Date : October 27, 2003

From : John B. Alexander, Ph.D.

Fax : (617) 439-4170

Direct : (617) 517-5555

To : Group 1700

U.S. Trademark & Patent Office

Fax : (703) 872-9310

Direct :

Pages : 14

(including cover sheet)

If you received a partial delivery, please call Michelle P. Chicos at (617) 517-5551.

Re :

Enclosed please find a Reply to Non-Compliant Amendment in connection with U.S. Serial No. 09/750,402.

Please do not hesitate to contact me if you have any questions, or if I can be of any further assistance at this time.

Best Regards,

John B. Alexander, Ph.D.

JBA:mpc

Fax

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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,402	12/28/2000	Richard M. Fornaro	47756-CIP1- DIV (70184)	7849

7590

10/14/2003

Dike, Bronstein, Roberts & Cushman  
EDWARDS & ANGELL, LLP  
P.O. BOX 9169  
Boston, MA 02209

EXAMINER

ALEJANDRO, RAYMOND

ART UNIT

PAPER NUMBER

1745

DATE MAILED: 10/14/2003

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IP DOCKETING DEPT. (BOS)

Please find below and/or attached an Office communication concerning this application or proceeding.

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Edwards &amp; Angell LLP

101 Federal St. Boston, MA 02110

Docketed For

By

Approved

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P.O. Box 1450  
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Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 10.23 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claim 118 has an improper status identifier

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/wcb/offices/pac/dapp/opla/propnotice/officesflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

[Signature]  
Legal Instruments Examiner (LIE)

703 308 2808  
Telephone No.